The procedure relating to appeals is contained in the Court of Appeal Rules which form the Schedule to 1948 Rule No. 7 and Rule 11 of these Rules so far as it is relevant to the present case provides :—

"11. No appeal shall, except by special leave of the full Court of Appeal, be brought after the expiration of one month —

.....

(c) .....from the date on which the judgment or order appealed against was pronounced."

The wording of that Rule is perfectly clear and leads inevitably to the conclusion that except by special leave, which has been neither asked for nor obtained, no appeal could be brought against the order of 10th May, 1950, after the expiration of one month from the date on which it is pronounced. It is not necessary to consider the question of whether that order was a judgment or an order, or if it was an order whether it was a final order or an interlocutary one for the terms of the rule apply to any "judgment or order", and the time within which an appeal must be brought is in every case the same. Nor is it open to the plaintiff to call in aid the procedure of the Court of Appeal in England. The case is provided for by "written law" and there is an important and in this case crucial difference between the "written law" embodied in the local rule which has just been quoted and the English Rule (R.S.C. O. 58 r. 15) which differentiates between interlocutary orders and other orders in relation to the time within which an appeal must be brought and which provides that (except in the case of an appeal from an order in chambers) the period within which an appeal must be brought shall be calculated "from the time at which the judgment or order is signed, entered or otherwise perfected". Here, there is no question of the time when the order is signed, entered or perfected. The time runs from the date on which it is pronounced and in the present case that date was 10th May, 1950. It follows therefore that without special leave it cannot be appealed against after the expiration of one month from that date. It is true that an appeal was lodged within that month but it was withdrawn and can have no bearing on the question of the present appeal.

As regards the Registrar's certificate, the position is governed by the "Rules for regulating the practice and procedure in the Court of a Judge" contained in Government Notification No. 179 of 1919 which are preserved in force by section 110 of the Courts Ordinance. Rule 33 of these rules provides that the result of any proceedings before the Registrar shall be stated in the form of a certificate to the Judge which unless an order to discharge or vary the same is made shall be deemed to be approved and adopted by the Judge. Rule 34 provides that such certificate shall be filed in the Registry, "and shall thenceforth be binding on all parties to the proceedings, unless discharged or varied upon application by notice of motion, to be made before the expiration of fifteen clear days after the filing of the certificate".

The Registrar's certificate here was filed on 9th September, 1950, no steps were taken to have it discharged or varied and so upon the expiration of 15 days it became binding on the parties.

The material date here is 20th November, 1950, for that was the date on which the first step was taken in the present appeal. From what has been said, however, it is clear that on that date there was nothing against which the plaintiff could appeal. As regards the order of 10th May, 1950, which was to the effect that the plaintiff should recover not the $50,000 for which he sued but a sum to be ascertained on inquiry in accordance with certain specified principles, the time for appealing had long expired and it had not been extended. As regards the Registrar's certificate, no steps had been taken to have it discharged within 15 days of its being filed and it thereupon became binding on the parties. Moreover in so far as the order of 13th November confirmed that certificate it does not lie in the plaintiff's mouth to say that it was not made by consent for it was he who asked that it should be made and it is therefore not appealable by virtue of section 37(1)(b) of the Courts Ordinance. As regards the question of costs, that also was not in the absence of leave appealable by reason of paragraph (c) of the same sub-section.

Accordingly we were of the opinion that in the circumstances of the case the order of 13th November, 1950, could not be appealed against and ordered the appeal against it to be struck out.

Order accordingly.

REX v. CHOW FOOK LOY AND ANOR., (BAILORS).

[Crim. Rev. Juris. (Murray-Aynsley, C.J.) March 13, 1951]

[Singapore — Criminal Revision No. 3 of 1951]

Forfeiture — Order of — Whether Magistrate has power to order payment by instalments.

Once the Order of forfeiture is made there is a debt due to the Crown and a Magistrate or District Judge has no power to Order payment by instalments.

Semble. As there has been number of cases of persons who have been bailed failing to appear the Court should deal firmly with sureties.

CRIMINAL REVISION.

E. P. Shanks (Crown Counsel) for the Crown.

Murray-Aynsley, C.J. : — The matter of law under consideration was whether a Magistrate or District Judge having made an order for forfeiture, had power to order payment by instalments. It is clear that there is jurisdiction to decide what sum, if any, is to be paid. Once the order is made there is a debt due to the Crown. In the absence of any express power to do so I do not think that there is any power to order payment by instalments.

Whilst dealing with this subject, it seems to be a suitable occasion to remark that there has been a large number of cases of persons who have been bailed failing to appear. In order to check this it seems necessary to deal firmly with sureties.

In the circumstances I decided not to exercise my powers of revision in this case.

No order.

KEE CHIN THUAN v. REX.

[App. Crim. Juris. (Jobling, J.) April 20, 1951]

[Penang — Criminal Appeal No. 6 of 1951]

Penal Code, ss. 177 and 181 — Giving false information — Giving false evidence — Criminal Procedure Code, ss. 270 and 123(2) — the words "which would have a tendency to expose" — Interpretation of.

The appellant was charged in the Court of the Magistrate, Penang on three counts of giving false information, contrary to section 177 and in the alternative of giving false evidence, contrary to section 181 of the Penal Code. He was convicted in the alternative under section 270 of the Criminal Procedure Code and sentenced to six months rigorous imprisonment on each charge concurrently. Against this conviction the appellant appealed.

It was established by the evidence that the appellant was called before a Police Officer who was investigating an alleged offence of cheating, contrary to section 420 of the Penal Code, and in response to questions made a long statement giving a detailed account of the circumstances of the alleged offence implicating a person named Muniandy. Subsequently when giving evidence at the trial of Muniandy in the Sessions Court appellant made three statements which were material to the issue and directly contrary to statements made by him to the Police Officer.

At the trial of the appellant no evidence was called to show which of the two statements was false and in view of their contradictory nature the Magistrate convicted the appellant in the alternative.

Held, that the words "which would have a tendency to expose" appearing in section 123(2) of the Criminal Procedure Code showed that the section is intended to be given a wide interpretation and it is not construing it too widely to say that had the appellant answered the Police Officer's questions so as to show that Muniandy had nothing to do with the matter, which he now says is the truth, his answers would have tended to expose him to a charge. Under the circumstances the appellant is entitled to the benefit of the exception and the conviction on the principal charge cannot be supported.

Held also, that the falsity of the contradictory statement could not be taken into consideration and no conviction in the alternative under section 270 of the Criminal Procedure Code was possible.

Cases referred to :—

(1) *Hassan bin Ishak v. Public Prosecutor* (Unreported).

(2) *Luckhee Sing* (1869) 12 W. R. (Cr.) 23.

APPEAL from Magistrate's Court, Penang.

R. D. Hume for the appellant.

C. M. Sheridan (D.P.P.) for the Crown.

The facts sufficiently appear from the judgment.

Jobling, J. : — The appellent was charged in the Court of the Magistrate, Penang on three counts of giving false information, contrary to section 177 and in the alternative of giving false evidence, contrary to section 181 of the Penal Code. He was convicted in the alternative under section 270 of the Criminal Procedure Code and sentenced to six months' rigorous imprisonment on each charge concurrently, and has now appealed.

It is established by the evidence that the appellant was called before a Police Officer who was investigating an alleged offence of cheating, contrary to section 420 of the Penal Code, and in response to questions made a long statement giving a detailed account of the circumstances of the alleged offence implicating a person named Muniandy.

Subsequently when giving evidence at the trial of Muniandy in the Sessions Court appellant made three statements which were material to the issue and directly contrary to statements made by him to the Police Officer.

At his trial before the Lower Court on the alternative charges of making false statements the appellant gave evidence that the statement made to the Police Officer was false and was so because he was afraid of being charged with the offence being investigated. He said the evidence given by him before the Sessions Court at the trial of Muniandy was true.

No evidence was called to show which of the two statements was false and in view of their contradictory nature the Magistrate convicted in the alternative.

Mr. Hume for the appellant has submitted that this conviction cannot stand because in the first place the appellant was not legally bound to make the statement to the Police Officer, and secondly he was not legally bound to answer the questions of the Police Officer truthfully.

If either of these submissions is correct there can be no conviction in respect of the statement to the